

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, October 6, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Acting Chairman), B. Gardner, R. Hall, K. Holt, P. Kochenburger,

B. Pociask, B. Ryan

Members absent: R. Favretti, P. Plante

Alternates present: M. Beal, L. Lombard

Alternates absent: G. Lewis

Staff present: G. Padick, Director of Planning and C. Hirsch,
Zoning Agent

Acting Chairman Goodwin called the meeting to order at 7:45 p.m., and appointed alternate Beal to act in Favretti's absence and Lombard for Plante.

Minutes:

9/15/08- Hall MOVED, Gardner seconded, to approve the 9/15/08 minutes as corrected. MOTION PASSED UNANIMOUSLY.

Scheduled Business:

Zoning Agent's Report:

Zoning Agent items A & B were noted.

C. Hall Property Update

Hirsch reported that he met Hall at the site and reviewed all the vehicles on the property. Hirsch said that there were very few vehicles that he felt are accessory use to the business. Hirsch will research the start of the Hall business site to determine what vehicles are considered accessory to the approved use. Hirsch will report back at the next meeting and he will send Hall a letter with his finding.

D. DeBoer Property Update

Hirsch said that he has not been given the authority to inspect the property, but he is aware that five vehicles have been removed. DeBoer may remove more, although there has not been a firm commitment from the owner.

Old Business:

**1. Subdivision Application, Windwood Acres, Baxter Estates
Section II, 6 lots off of Storrs Rd., Crossen., o/a File # 1229-2**

Kochenburger disqualified himself. Hall MOVED, Beal seconded, to approve with conditions the six-lot Windwood Acres subdivision on property owned by R. F. Crossen Contractors, LLC., located on Storrs Road in an RAR-90 zone, as submitted to the Commission and shown on plans dated 3/31/08 as revised to 7/29/08, as presented at Public Hearings on 5/5/08 and 6/2/08 and as described in other application submissions including a March 2008 landscape assessment report prepared by J. Alexopolus. This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. It also takes into consideration a 9/15/08 approval action by the Inland Wetland Agency. Approval is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, soil scientist, and landscape architect.
2. Subject to the incorporation of revisions required by the 9/15/08 IWA approval, the Commission accepts the applicant's proposed dedication of land to the Town and conservation easements as appropriate to address the open space dedication requirements of Section 13 for the subject 6-lot subdivision. A deed for the open space dedication to the Town and conservation easement documents, based on the Town's model format, shall be approved by the Director of Planning and Town Attorney and filed on the Land Records in association with final plans.
3. This approval authorizes a merged segment of common driveway from Storrs Road through the depicted wetland crossing as generally depicted on a 5/6/08 alternative driveway layout submitted by the applicant. Final plans shall incorporate this design revision with a single curb cut on Storrs Road and wetland crossing details as approved by the Inland Wetland Agency. This approved common driveway design is considered consistent with the expressed objectives of Mansfield's common driveway regulations and will help reduce environmental impacts and promote traffic safety. Common driveway easements that address maintenance and liability issues shall be approved by the Director of Planning and the Town Attorney. All common driveway work shall be completed or bonded in an amount and form acceptable to the PZC Chairman, with staff assistance, before the filing of the subdivision plan, pursuant to Section 7.10.e. A Department of Transportation permit is required for driveway work within the State right-of-way.

4. Pursuant to Subdivision Regulation provisions, particularly Sections 7.5 and 7.6, this action specifically approves frontage waivers for lots 14, 15, 16 and 17 and the depicted building envelopes for all lots. Unless revisions are specifically authorized by the Commission, the depicted building envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition, which is noted on the plans, shall be specifically noticed on the Land Records.

The frontage waivers are considered acceptable based on the judgment that the yield plan demonstrates that the subject lots could be accessed by a new Town Road that would meet subdivision regulations and would likely be approved by the Inland Wetland Agency.

5. Pursuant to the waiver provisions of Section 11.1., this approval authorizes a segment of overhead utility line construction crossing Storrs Road. Unless alterations are specifically approved by the PZC Chairman with staff assistance, all utility work shall comply with submitted plans. This authorized waiver of a segment of underground service was appropriately justified by information presented in a 5/27/08 letter from the project engineer.
6. The approved plans include specific notes regarding stone wall preservation and, pursuant to Section 7.7, no existing stone walls shall be altered except for site work depicted on the approved plans. No stones from existing walls shall be removed from the site. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of the subject lots.
7. The erosion control plan shall be revised to include daily inspections and the submittal of bi-weekly erosion and sediment control monitoring reports until all common driveway work is completed and disturbed areas are revegetated.
8. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety [90] or one hundred and eighty [180]-day filing extension has been granted):
 - A. All final maps, including submittal in digital format, common driveway easements, an open space deed for land to be conveyed to the Town, conservation easements and a Notice on the Land Records to address conditions 4 and 6, for recording on the Land Records (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Sec. 8-

8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

- B. All monumentation (including delineation of the open space parcel and conservation easements with iron pins and the Town's official markers every 50 to 100 feet on perimeter trees or on cedar posts), with Surveyor's Certificate, and common driveway improvements, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED with all in favor except Kochenburger who disqualified himself.

2. **Site Modification Application, Motorcycle Consultant, LLC, E. Chovnick, owner, B. Chovnick, applicant, 213 Stafford Road, showroom expansion, File #827-3**

Benjamin Chovnick, owner, and Richard Sherman, architect, were present answer questions regarding the submitted revised plans. Padick discussed the site plan and landscaping issues outlined in his report. He said that access to the employee parking area needs to be clearly depicted on the plans. Padick stated that a PZC judgment is necessary to determine if the proposed plan may be approved as a modification or if a special permit application should be required. Hall volunteered to work with staff on a draft motion.

3. **Subdivision Application, Malek Manor, Lot 4, Crane Hill, File # 548-2**

Item was tabled.

4. **Proposed CL&P "Interstate Reliability Project"**

Item was tabled, pending Public Information Session on 10/22/08 @ 5:30-7:30 p.m. at the Community Center.

New Business:

1. **Request to Modify Staples Center Free Standing Sign, 82-86 Storrs Rd, File #483-4**

Kochenburger MOVED, Holt seconded, that the Planning and Zoning Commission approve the identity sign revision request of D. Mills for the Staples Center site, 82-86 Storrs Road, as described in a 9/19/08 letter and attached sign depiction. This authorization is approved pursuant to the provisions of Article X., Section C.6.k. of Mansfield's Zoning Regulations and a determination that the proposal is

preferable to have a separate site name sign. MOTION PASSED UNANIMOUSLY.

2. **Request to Release/Reduce Driveway Bonds for Mulwood East (File #1225) and Mulwood West (File #1225-2)**

Mulwood East (File #1225) Gardner MOVED, Holt seconded, that the Planning and Zoning Commission authorize the Director of Planning to take appropriate action to release the \$5,000 bond plus accumulated interest that has been held to ensure suitable completion of the Mulwood East common driveway work off of Wormwood Hill Road. MOTION PASSED UNANIMOUSLY.

Mulwood West (File #1225-2) Gardner MOVED, Holt seconded, that the Planning and Zoning Commission authorize the Director of Planning to reduce bonding requirements for Mulwood West Subdivision common driveway to \$5,000 plus accumulated interest. Furthermore, upon satisfactory completion of paved apron work that the Director of Planning is authorized to release the bond in its entirety. A new bond agreement shall be executed in association with this action. MOTION PASSED UNANIMOUSLY.

Public Hearings:

**Special Permit Application, Conversion of 1-Family to 2-Family Residence, 1620 Storrs Rd.,
Y. Ghiaei, o/a File #1276**

Acting Chairman Goodwin opened the Public Hearing at 8:32 p.m. Members present were J. Goodwin, B. Gardner, R. Hall, K. Holt, P. Kochenburger, B. Pociask, B. Ryan, and alternates M. Beal, and L. Lombard. Goodwin appointed Beal and Lombard to act. Padick read the Legal Notice as it appeared in the Chronicle on 9/23/08 and 10/1/08, and listed the following communications received and distributed to all members of the Commission: a 10/2/08 memo from G. Padick, Director of Planning; and a 9/25/08 memo from EHHD. Padick summarized his memo and discussed his concerns regarding the need for clearly marked parking spaces and clear mapping with dimensions in order to provide the PZC with the information necessary to assess setback waivers. The consensus of the Commission was for the applicant to return with a revised map showing clearly marked parking spaces for resident parking, including space for vehicles to turn-around. Hall questioned if staff was aware of the history of the creation of the apartment.

Goodwin noted no further questions from the public or the Commission. Public Hearing will be continued until October 20, 2008.

Special Permit Application, Arcade Use, 591 Middle Tpk, Daniel Keener, o/a, File #1277

Acting Chairman Goodwin opened the Public Hearing at 8:45 p.m. Members present were J. Goodwin, B. Gardner, R. Hall, K. Holt, P. Kochenburger, B. Pociask, B. Ryan, and alternates M. Beal, and L. Lombard. Goodwin appointed Beal and Lombard to act. Padick read the Legal Notice as it appeared in the Chronicle on 9/23/08 and 10/1/08, and listed the following communication received and distributed to all members of the Commission: a 10/2/08 memo from G. Padick, Director of Planning.

Ryan Fitzgerald and Dan Keener, applicants, were present to answer questions.

Members questioned the applicants about the hours of operation, Fire Marshal and Building Official approval and code compliance, occupancy limits, restroom facilities and other accommodations, age requirements, sales of products and types of games, menu, layout of seating in booths and at tables, and crowd control.

Goodwin noted no further questions from the public or the Commission. Hall MOVED, Kochenburger seconded, to close the Public Hearing at 9:00 p.m. MOTION PASSED UNANIMOUSLY.

Gardner volunteered to work with staff to draft a motion.

New Business Continued:

3. Request to Review Existing Policy that Considers a Town Line to be a Lot Line

(9/15/08 Letter from Attorney Schragger)

Padick stated this item is being referred to the Town Attorney.

4. Request to Accept Extension of Adeline Place as a Town Road, File #1187-2

Hall MOVED, Holt seconded, that the Planning and Zoning Commission report to the Town Council that the extension of Adeline Place constructed in association with Pine Grove Estates Subdivision is now ready to be accepted as a Town road. Upon Town Council

acceptance of this road extension, the PZC Chairman, with staff assistance, is authorized to execute a one-year maintenance bond pursuant to regulatory requirements. MOTION PASSED UNANIMOUSLY.

5. **New 3-Lot Subdivision Application, Bassetts Bridge & South Bedlam Rds, Mansfield Hollow Estates, File # 1278**

Holt MOVED, Lombard seconded, to receive the subdivision application (file # **1278**) submitted by Thomas V. Pope, Executor for a 3-lot subdivision named Mansfield Hollow Estates on property located at the northwest corner of Bassetts Bridge and South Bedlam Roads, owned by the Estate of Shirley Popeleski as shown on plans dated 7/21/08, and as described in other application submissions, and to refer said application to the staff, Conservation Commission, and Open Space Preservation Committee for review and comments. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Acting Chairman Goodwin noted a Field Trip scheduled for Wednesday, October 15, 2008 at 1:00 p.m.

Communications and Bills:

Padick noted a 10-29-08 meeting at Bishop Center regarding two alternate sites for the UConn composting facility. Members discussed the notification process for abutters. Pociask asked about the possibility of installing sidewalks on Storrs Road north from Horsebarn Hill Road to the Four Corners. Padick will bring these items to the attention of the appropriate staff.

Adjournment:

Lombard MOVED, Holt seconded, to adjourn the meeting. MOTION PASSED UNANIMOUSLY.

Goodwin declared the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary